

MINUTES OF MEETING  
CASS COUNTY JOINT WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
SEPTEMBER 24, 2015

The Cass County Joint Water Resource District met on September 24, 2015, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Mark Brodshaug and Dan Jacobson, Southeast Cass Water Resource District; Rodger Olson, Maple River Water Resource District (by phone); Ken Lougheed, North Cass Water Resource District; Raymond Wolfer, Rush River Water Resource District; Carol Harbeke Lewis, Secretary-Treasurer; Michelle Anderson, Administrative Assistant; Sean M. Fredricks, Chris McShane, and Lukas Andrud, Attorneys for the Board; Lee Beauvais, Chad Engels, and Kurt Lysne, Engineers for the Board; Ty Smith, CH2M HILL Engineers, Inc.; Eric Dodds, Dustin Dale, and Tanaya Reitz, Advanced Engineering and Environmental Services, Inc. (AE2S); Pat Downs, Moore Engineering, Inc.; Keith Berndt, Cass County Administrator; Jason Benson, Cass County Engineer; Mark Bittner, Fargo Director of Engineering; and Jacob Gust, Reed Township resident.

**Minutes**

It was moved by Manager Lougheed, seconded by Manager Wolfer and unanimously carried to approve the minutes of the September 10, 2015, meetings (three sets).

**Agenda**

It was moved by Manager Wolfer, seconded by Manager Lougheed and unanimously carried to approve the order of the agenda, as amended.

**Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project / In Town Levees Project – land acquisition**

A special Diversion Authority meeting has been scheduled for October 2, 2015, at 7:30 a.m., and will include a presentation on land acquisition processes. The six-member entities of the Diversion Authority have been invited.

Discussion was held on the land acquisition process, farmland valuation, public perception and fair treatment of all property owners, with regard to the property needed for the Metro Flood Diversion Project. Sean Fredricks and Carol Harbeke Lewis will discuss and determine a process the land acquisition team can use to document committee recommendations and board approvals for land acquisition.

It was moved by Manager Olson and seconded by Manager Loughheed to approve and authorize Chairman Brodshaug to sign the *Purchase Agreement* for OIN #1979 and #1987 regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

#### **Western Cass Flood Insurance Study**

Kurt Lysne and Jason Benson updated the Board on the status of the Western Cass Flood Insurance Study. Issues and concerns with the preliminary floodplain maps were demonstrated to FEMA by the engineers at a technical meeting held last week. FEMA is preparing a formal written response and indicated to Mr. Benson and Mr. Lysne they intend to wait on the release of the preliminary floodplain maps.

FEMA and AECOMM are very pleased with the positive communication and response by the county and township officials, city leaders, and political jurisdictions. AECOMM has stated they plan to present and demonstrate the successful local cooperation efforts at the next American Floodplain Managers conference.

#### **Metro Flood Diversion Project – access update**

Chris McShane updated the Board on access and the recent Corp of Engineers' right of entry meeting. Soil boring surveys are being done and cultural resource surveys will be completed once the crops are harvested. Landowners have been contacted and some landowners have received notification by certified mail.

Lee Beauvais stated vegetation surveys are being completed by the Corps of Engineers along the Maple River.

Discussion was held on the Minnesota Department of Natural Resources *Environmental Impact Statement*, surveys, and land acquisition information needed from the Corps of Engineers for future construction on the Metro Flood Diversion Project.

#### **Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project / In Town Levees Project – relocation benefits**

It was moved by Manager Jacobson and seconded by Manager Loughheed to approve the Relocation Payments, as outlined in the letter dated September 22, 2015, regarding the Oxbow-Hickson-Bakke Ring Levee Project and the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

Manager Olson left the meeting at this time.

#### **Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project / In Town Levees Project – Property Acquisition Philosophies**

Eric Dodds reviewed *Property Acquisition Philosophies*. The land acquisition process has been presented to several committees and the Diversion Authority.

### **Metro Flood Diversion Project – property management**

The contract for property management with Coldwell Banker First Realty – Encore, Inc. will terminate on October 23, 2015.

### **Metro Flood Diversion Project – Oxbow-Hickson-Bakke Ring Levee Project - project updates**

Brief discussion was held on the utility relocation project in the City of Oxbow regarding the Oxbow-Hickson-Bakke Ring Levee Project.

It was moved by Manager Jacobson and seconded by Manager Wolfer to approve payment to reimburse Oxbow Golf and Country Club in the amount of \$1,005,655.89 for various engineering, construction, and maintenance services. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Lougheed and seconded by Manager Wolfer to authorize CH2M HILL Engineers, Inc. to work with the Water Resource District Attorney to prepare a draft amendment to extend the construction schedule in the *Master Agreement* between the Cass County Joint Water Resource District and the Oxbow Golf and Country Club regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

### **Watershed Detention Studies**

Chad Engels and Pat Downs updated the Board on the watershed planning project work team planning schedule and outlined the plan of work for the Swan Creek Watershed, Rush River Watershed, and Upper Maple River Watershed Detention Studies.

### **Reimbursement request #18 from the Diversion Authority from funds administered by the State Water Commission, pursuant to SB 2020**

It was moved by Manager Jacobson and seconded by Manager Lougheed to approve and authorize the Secretary-Treasurer to sign reimbursement request #18 from the Diversion Authority from funds administered by the State Water Commission, pursuant to SB 2020. Upon roll call vote, the motion carried unanimously.

### **Bills**

It was moved by Manager Wolfer and seconded by Manager Lougheed to approve the payment of Checks #12225 through #12228, #12245 through #12249, #12254 through 12270, and the electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Brodshaug, Jacobson, Lougheed, and Wolfer. Manager Olson was absent. The Chairman declared the motion passed.

**Adjournment**

There being no further business for the Board to consider, it was moved by Manager Jacobson, seconded by Manager Loughheed and unanimously carried to adjourn the meeting.

APPROVED:

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Mark Brodshaug  
Chairman

ATTEST:

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Carol Harbeke Lewis  
Secretary-Treasurer